

S 13854

## CONGRESSIONAL RECORD—SENATE

September 30, 1980

Mr. President, I urge the passage of H.R. 6086 and H.R. 7085.

Mr. DOLE. Mr. President, as ranking Republican on the Senate Finance Committee, I would like to express my full support for the tax provisions contained in the Hostage Relief Act. Under the bill, the American hostages could exclude from gross income any compensation from the Federal Government as long as they are held captive or subsequently hospitalized. The bill also would permit wives of hostages to elect to file a joint income tax return rather than a separate return. Finally, the bill would generally extend tax filing deadlines for individuals held hostage.

Mr. President, the proposed tax relief is the same as provided to POW's held during the Vietnam war and to crew members of the U.S.S. Pueblo who were seized by North Korea in 1968.

This relief seems singularly appropriate in view of the hardships that these individuals and their families have suffered as a result of the illegal actions of foreign terrorists.

In view of the need to enact this relief so that many hostage families can file their returns before their filing extensions expire on October 15, I favor the expedited passage of this measure without referral to the Senate Finance Committee.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7085) was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### PROCEDURES FOR CRIMINAL CASES INVOLVING CLASSIFIED INFORMATION—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BIDEN, I submit a report of the committee of conference on S. 1482 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1482) to provide certain pretrial, trial, and appellate procedures for criminal cases involving classified material, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AUTHORITY FOR SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BAKER and myself, I send to the desk a Senate resolution and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will state the resolution.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Tennessee (Mr. BAKER), for themselves and Mr. DeCONCINI and Mr. Hatch, propose a resolution (S. Res. 533), as follows:

Whereas, the Committee on the Judiciary, which has delegated its authority to the Subcommittee on Improvements in Judicial Machinery, is charged with the responsibility of seeing that the functions of the Department of Justice are properly discharged, and

Whereas, the Subcommittee on Improvements in Judicial Machinery, by resolution of the Committee on the Judiciary of the United States Senate, has been authorized to investigate allegations regarding Robert L. Vesco and officers and employees of the United States, and

Whereas, the Subcommittee finds that the fulfillment of its responsibilities requires that certain documents from the Department of Justice be provided to it, and

Whereas, it appears that these documents may have been obtained or prepared in relation to a grand jury proceeding in the United States District Court for the District of Columbia, and

Whereas, the Subcommittee has requested these documents from the Department of Justice which has agreed to bring the Subcommittee's request to the attention of the District Court and present to the court the Department's views with respect to their release, and has suggested that the Subcommittee follow by presenting its views to the court as well, and

Whereas, section 706(a) of the Ethics in Government Act of 1978, 2 U.S.C. § 288e(a) (Supp. II 1978), provides that the Senate may direct the Senate Legal Counsel to appear as amicus curiae in the name of a subcommittee of the Senate in any legal proceeding in which the powers and responsibilities of Congress under the Constitution of the United States are placed in issue, and

Whereas, the opportunity of a committee of the Congress to obtain the information it deems necessary for the performance of its legislative and oversight functions places in issue the powers and responsibilities of the Congress under the Constitution, now therefore be it

Resolved, that the Senate Legal Counsel be authorized pursuant to section 706(a) of the Ethics in Government Act of 1978, 2 U.S.C. section 288e(a) (Supp. II 1978), to appear as amicus curiae in the United States District Court for the District of Columbia, in the name of the Subcommittee on Improvements in the Judiciary, to present the Subcommittee's views in support of release by the Department of Justice of documents relating to Robert L. Vesco, and to appear as amicus curiae in the name of the Subcommittee in any appeal from an order of the United

States District Court with respect to the release of such documents.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 533) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### JUDICIAL COUNCILS REFORM AND JUDICIAL CONDUCT AND DISABILITY ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1873.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1873) entitled "An Act to establish a procedure for the processing of complaints directed against Federal judges, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

#### SHORT TITLE

SECTION 1. This Act may be cited as the "Judicial Councils Reform and Judicial Conduct and Disability Act of 1980".

JUDICIAL COUNCILS OF THE CIRCUITS

SEC. 2. (a) Section 832(a) of title 28, United States Code, is amended to read as follows:

"(a) (1) The chief judge of each judicial circuit shall call, at least twice in each year and at such places as he may designate, a meeting of the judicial council of the circuit, consisting of—

"(A) the chief judge of the circuit, who shall preside;

"(B) that number of circuit judges fixed by majority vote of all such judges in regular active service; and

"(C) that number of district judges of the circuit fixed by majority vote of all circuit judges in regular active service, except that—

"(i) if the number of circuit judges fixed in accordance with subparagraph (B) of this paragraph is less than six, the number of district judges fixed in accordance with this subparagraph shall be no less than two; and

"(ii) if the number of circuit judges fixed in accordance with subparagraph (B) of this paragraph is six or more, the number of district judges fixed in accordance with this subparagraph shall be no less than three.

"(2) Members of the council shall serve for terms established by a majority vote of all judges of the circuit in regular active service.

"(3) The number of circuit and district judges fixed in accordance with paragraphs (1)(B) and (1)(C) of this subsection shall be set by order of the court of appeals for the circuit no less than six months prior to a scheduled meeting of the council so constituted.

"(4) Only circuit and district judges in regular active service shall serve as members of the council.

"(5) No more than one district judge from